

STATE OF INDIANA) IN THE ALLEN SUPERIOR COURT
) SS:
ALLEN COUNTY) CAUSE NO. 02D02-1708-CT-_____

MICHAELE SCHON and)
NEAL SCHON)
C/O Sweeney•Julian)
1620 South Bend Avenue)
South Bend, IN 46617)

Plaintiffs,)

v.)

MIKE FRANTZ)
c/o ESG Security)
12800 North Meridian Street)
Suite 300)
Carmel, IN 46032)

ESG SECURITY)
c/o Bradley Fuson)
12800 North Meridian Street)
Suite 300)
Carmel, IN 46032)

ALLEN COUNTY WAR)
MEMORIAL COLISEUM)
Administrative Offices)
4000 Parnell Avenue)
Fort Wayne, IN 46805)

Defendants.)

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiffs, Michaele Schon and Neal Schon, by counsel, for their Complaint against the Defendants, Mike Frantz, ESG Security Inc., and Allen County War Memorial Coliseum, allege and say:

FACTS COMMON TO ALL COUNTS

1. On March 31, 2017, the band Journey performed at the Allen County War Memorial Coliseum located at 4000 Parnell Avenue, Fort Wayne, IN 46805.

2. Mike Frantz (Frantz) is an ESG Security Inc. employee who was stationed at the front center barricade and the left-front vomitory entrance / barricade during the Journey concert. At all relevant times, Frantz was acting in the course and scope of his employment with ESG Security Inc., and/or the Allen County War Memorial Coliseum.

3. ESG Security Inc. is a private security corporation authorized to do business within the state of Indiana and whose principal place of business is Indianapolis, Indiana. ESG Security provided security services and personnel at the Allen County War Memorial Coliseum on March 31, 2017, for the Journey concert.

4. Prior to the start of the concert, ESG security personnel were expressly instructed that Michael Schon was permitted to cross the barricades in order to take photographs and video footage of the band. ESG Security personnel, as well as representatives of the Allen County War Memorial Coliseum, were shown pictures of Michael Schon prior to the concert.

COUNT I: ASSAULT AND BATTERY

5. Plaintiffs incorporate by reference rhetorical paragraphs one (1) through four (4) as though fully set out herein.

6. During the latter half of the concert, Michaele attempted to approach the stage to take photographs of the band. As she did so, she was violently assaulted and forcibly removed from the area by Mike Frantz.

7. Frantz intended to cause and did cause harmful contact with Michaele's person.

8. Michaele did not consent to Defendant Frantz's act.

9. As a direct and proximate result of said assault and battery, Michaele Schon suffered personal injuries, including both general and special damages.

COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

10. Plaintiffs incorporate by reference rhetorical paragraphs one (1) through nine (9) as though fully set forth herein.

11. Defendant Frantz's conduct, as described in this complaint, was extreme, outrageous, atrocious, went beyond all possible bounds of decency, and is utterly intolerable in a civilized community.

12. Through the aforementioned conduct, Defendant Frantz intentionally caused severe emotional distress to the Plaintiff Michaele Schon.

13. As a result of Defendant Mike Frantz's extreme and outrageous conduct, the Plaintiff has suffered mental anguish, mental trauma, humiliation, mortification, fright and indignity. Further, she has suffered the exacerbation of a pre-existing health condition and has suffered a great deal of pain and suffering as well as medical expense as a direct result of the assault and battery.

14. Defendants ESG Security and Allen County War Memorial Coliseum are legally responsible for the actions of Mike Frantz under the Doctrine of Respondeat Superior.

15. Defendants ESG Security and Allen County War Memorial Coliseum are legally responsible for the negligent hiring, training and/or negligent retention of Mike Frantz.

16. Defendants ESG Security and Allen County War Memorial Coliseum knew or should have known of the serious risks that improperly trained or over-zealous security personnel would pose to invitees, like Plaintiff, but failed to properly train or supervise security personnel.

17. As a further direct and proximate result of the Defendants' negligence, Neal Schon was deprived of the services and consortium of his wife for an indefinite time period.

PRAYER FOR RELIEF AND JURY DEMAND

WHEREFORE, the Plaintiffs, Michael Schon and Neal Schon, pray for:

1. Trial by jury; and
2. The costs of this action; and
3. Full compensation for injuries sustained; and
4. Punitive damages to deter Defendants from engaging in similar reckless and grossly negligent behavior in the future; and

5. Any and all other just and proper relief in the premises.

Respectfully submitted:

SWEENEY • JULIAN

/s/ Franklin D. Julian

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